

ARTICLE 2

DEFINITIONS

Section 2.01 Interpretations

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

- 2.01.01 The present tense includes the future tense; the singular number includes the plural and the plural number includes the singular, unless the context clearly indicates the contrary.
- 2.01.02 The word “shall” is always mandatory, the word “may” is permissive. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". The word “building” includes the word “structure” and any part thereof. The word “dwelling” includes the word “residence”; the word “lot” includes the words “plot” and “parcel”.
- 2.01.03 The term “such as” shall be interpreted as “such as but not limited to.”
- 2.01.04 Any word or term not defined herein shall have the meaning of common or standard use which is reasonable for the context in which used herein.
- 2.01.05 Questions of interpretation arising hereunder shall be decided by the Zoning Enforcement Officer whose decision may be appealed to the Board of Appeals.
- 2.01.06 The particular shall take priority over the general.
- 2.01.07 In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- 2.01.08 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination (i.e., "or" also means "and/or").
 - (c) "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- 2.01.9 The terms "abutting" or "adjacent to" include property "across from", such as across a street or an easement. This term shall also apply to adjacent zoning districts in an adjacent community.

Section 2.02 Definitions

Accessory Building: A supplementary or subordinate building, whether attached or detached, the use of which is clearly incidental to that of the principal building. Where an accessory building is attached to a principal building in a substantial manner, such as a wall or roof, the accessory building shall be considered part of the principal building.

Adult Entertainment Uses: Shall include, but not be limited to, the following:

- (a) **Adult motion picture theater:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material which has a “significant portion” of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas", as defined in this ordinance, for observation by patrons therein.
- (b) **Adult mini-motion picture theater:** An enclosed building with a capacity for less than fifty(50) persons used for presenting material which has as a “significant portion” of any motion picture or other display depicting, describing or presenting "specified sexual activities" or "specified anatomical areas."
- (c) **Adult motion picture arcade:** Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where a “significant portion” of images so displayed depict, describe, or relate to "specified sexual activities" or "specified anatomical areas."
- (d) **Adult book store:** A use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has as a “significant portion” of content or exhibit matter or actions depicting, describing, or relating to Aspecified activities@ or A specified anatomical areas@ or an establishment with a substantial segment or section devoted to the sale or display of such material.
- (e) **Adult cabaret:** A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers, where a “significant portion” of such performances show, depict, or describe "specified sexual activities" or "specified anatomical areas."
- (f) **Adult motel/hotel:** A building in which lodging is provided or offered to the public for compensation and which is open to transient guests where the room charge is made by the hour, and/or in which books, magazines, and other periodicals or materials which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", are sold or rented, or where motion pictures with an emphasis on "specified sexual activities" or "specified anatomical areas", are available for viewing on an in-room television monitor.
- (g) **Adult massage parlor.** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation, or service related thereto exposes "specified anatomical areas." This definition does not include “therapeutic massage.”

- (h) **Adult model studio:** Any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by persons paying such considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.
- (i) **Adult sexual encounter center:** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where three (3) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
- (j) **Display:** As used in the above definitions, this term shall mean any single motion or still picture, presentation, dance, exhibition, live act, or collection of visual materials such as books, films, slides, periodicals, pictures, video cassettes or any other printed or recorded matter which is open to view or available to the general population whether for free or otherwise.
- (k) **Significant Portion:** As used in the above definitions, this phrase shall mean and include: 1) any one or more portions of the display having continuous duration in excess of five (5) minutes; and/or, 2) the aggregate of portions of the display having a duration equal to ten (10) percent or more of the display; and/or, 3) the aggregate of portions of the collection of any materials or exhibits composing the display equal to ten (10) percent or more of the display.
- (l) **Specific Anatomical Areas:** As used in the above definitions, this phrase shall mean the following: 1) any less than completely and opaquely covered human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and, 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (m) **Specific Sexual Activities:** As used in the above definitions, this phrase shall include the following: 1) human genitals in a state of sexual stimulation or arousal; 2) acts of human masturbation, sexual intercourse, or sodomy; and/or, 3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Adult Care Facilities: A facility for the care of adults, over 18 years of age, as licensed and regulated by the state under Public Act 218 of 1979, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

- (a) **Adult Foster Care Facility:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128. .
- (b) **Adult Foster Care Large Group Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.

- (c) **Adult Foster Care Small Group Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (d) **Adult Foster Care Family Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (e) **Adult Foster Care Congregate Facility:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.

Alley: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alterations: Any change, addition, or modification in construction or type of occupancy, and any change in the structural members of a building, such as walls or partitions, columns, beams, or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

Animal:

- (a) **Animal, Exotic:** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or, an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.
- (b) **Animal, Livestock:** Any of various bird or animal breeds, long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man, including horses, ponies, mules, donkeys, cattle, sheep, goats, llama, ostriches, chickens, ducks, geese turkeys and swine.
- (c) **Animal, Pet:** An animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming or illness to human beings, including by way of example: dog, cat (domesticated), bird, fish, rodent (such as a gerbil, rabbit, hamster or guinea pig), and lizard (non-poisonous). Wild, vicious, or exotic animals shall not be considered domesticated.

Ashes: Residue from the burning of wood, coal, coke, or other combustible materials.

Assisted Living Facility: See "Housing for the Elderly"

Automobile: Any licensed motorized vehicle intended to be driven on roads or trails, such as cars, trucks, vans and motorcycles.

Automobile Gasoline Station: An establishment which includes buildings and premises for the primary purpose of retail sales of gasoline. An automobile gasoline station may also include an area devoted to sales of automotive items and convenience goods (mini-mart) primarily sold to patrons purchasing gasoline. An establishment providing vehicle maintenance or repair is not included within this definition.

Automobile Service/Repair Establishments: Building and premises intended to provide general maintenance on automobiles such as , oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment, balancing and undercoating; but excluding tire recapping or grooving or any major mechanical repairs, collision work or painting. Convenience items and groceries may be sold when secondary to the maintenance and repair operations. An automobile maintenance/service establishment may also sell gasoline, but is distinct from an automobile gasoline station.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing and cleaning automobiles and shall also include coin and attendant operated drive-through, hand washing operations, automatic self-serve, track mounted units and similar high volume washing establishments.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling. A basement will not be counted as a story, except in the instance of a split-level dwelling unit.

Bedroom: A private room planned and intended for sleeping, separated from other rooms by a door and accessible to a bathroom.

Bed and Breakfast: A use which is subordinate to the principal use of a dwelling unit in which transient guests are provided a sleeping room and board in return for payment.

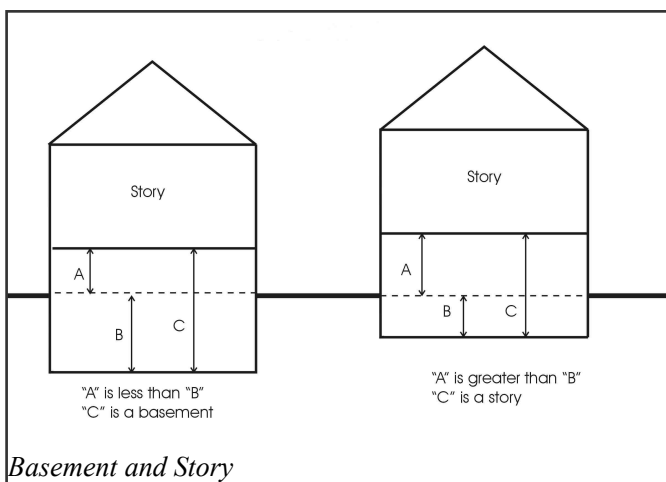
Billboard: See definition of Sign, Outdoor Advertising, herein.

Block: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, or between the nearest such street and railroad right-of-way, unsubdivided acreage, or barrier to the continuity of development.

Board of Appeals: The Zoning Board of Appeals for the Village of Dundee as established under the Zoning Act.

Buffer Zone: A strip of land required between certain zoning districts reserved for plant material, berms, walls or fencing singularly or in combination to serve as a visual and noise barrier.

Buildable Area: The space remaining after the minimum setback and open space requirements of the Ordinance have been met.

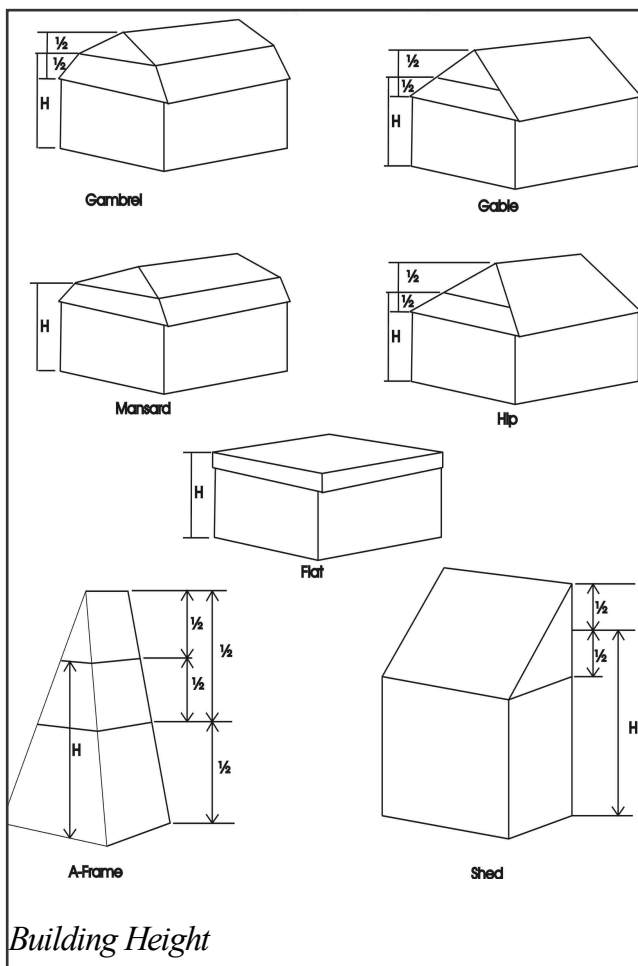


Building: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattel, or carrying on business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building, Principal: A building in which the main use of the lot is conducted.

Building, Unenclosed: A building having no enclosure, either by screening or otherwise, other than its roof and necessary supporting structure as will present the minimum obstruction to light, air and view. The term shall include such carports, porches, soffits, cornices, awnings and similar structures.

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on a terrace, the height may be measured from the average grade.

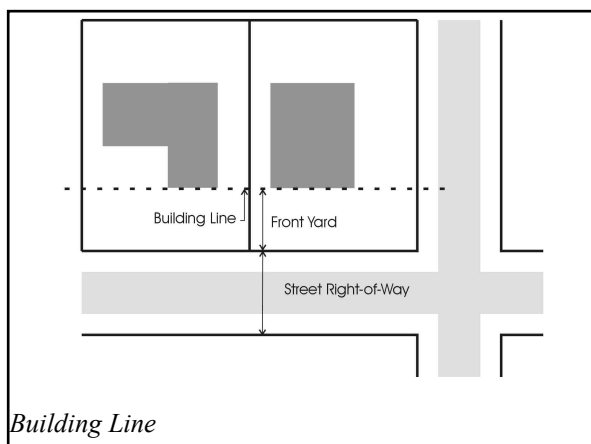


Building Line: A horizontal line generally parallel to a front, side or rear lot line, which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building Official: The Village of Dundee Building Official, or designee, responsible for enforcement of applicable sections of this ordinance.

Building Permit: Written authority issued by the Zoning Enforcement Officer permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this Ordinance and the Village's building code.

Building Setback: The area pertaining to the minimum setback distance established from the front street right-of-way or property line for a building, thus defining an area of the lot adjacent to the front, side or rear lot line in which no part of a building shall project or be located, except as otherwise provided for in this chapter.



Cellular Antenna: Antennas used to send or receive wireless, telecommunication signals.

Cellular Tower: A structure used to support wireless, telecommunications antennas.

Child Care Organizations: A governmental or non-governmental organization having as its principal function the receiving of minor children for care, maintenance training and supervision, notwithstanding that educational instructional may be given. Such organizations shall be defined as follows:

- (a) **Child Care Center (or Day Care Center):** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (b) **Foster Family Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (c) **Foster Family Group Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (d) **Family Day Care Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (e) **Group Day Care Home:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.
- (f) **Child Caring Institution:** means a facility or use as defined under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, or under the Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128.

Clinic, Medical or Dental: An establishment where human patients who are not lodged overnight are examined and treated by a group of more than one (1) physicians, dentists or similar professionals.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or the like, but not for profit.

Cluster Development: A type of residential development that accommodates smaller lots sizes than permitted in the zoning district in exchange for open space and other benefits in accordance with the regulations of this Ordinance.

Commercial Use: The use of property in connection with the purchase, sale, barter, display, or exchange of goods, ware, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

Commercial Establishment: Examples of a "commercial establishment" in various contexts would include, without limiting, the following: a business operating independent of any other business located in a freestanding building; in a strip mall, a business completely separated from other businesses by walls with a door which may regularly be used by the public for exclusive ingress and egress to that business; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses.

Commercial Vehicle: Any vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise and/or motor vehicles designed and used for drawing other vehicles.

Common Open Space: A parcel or parcels of land within a site designed and intended for the use and enjoyment of residents of a development. Common open space may contain such complimentary structures and improvements as are necessary and appropriate for the benefits and enjoyment of residents.

Condominium (also site condominium): A type of residential home ownership that is different than fee simple land and home ownership and is regulated and approved in accordance with the Condominium Act, P.A. 59 of 1978.

Construction Facility: A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Court: An open space, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such buildings or building. A court shall be unoccupied.

Density: The number of dwelling units developed per the total lot area. As it is applied in this Chapter, density is calculated in terms of number of units per acre.

District: A portion of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Drive-in: A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve the patrons while in the motor vehicle rather than within a building or structure.

Drive-Through Establishment: A drive-through establishment that furnishes the patron with a product, such as food, in a state which may be picked up from a drive-through window or other similar arrangement to be utilized or consumed outside the building.

Dumpster (Waste Receptacle): A container used for the temporary storage of rubbish pending collection having the capacity of at least one (1) cubic yard.

Dwelling, Converted: A building designed originally for occupancy by one (1) family but converted to accommodate two (2) or more families in separate, independent dwelling units.

Dwelling, Loft: A dwelling unit created from space previously used for commercial purposes and located above the ground floor.

Dwelling, Multiple-Family: A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other. This definition does not include manufactured homes, single family attached dwellings or two- family dwellings.

Dwelling, One-Family Attached: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls, but not common floor and ceiling. Each unit has its own outside entrance. Also referred to as semi-detached, patio house, townhouses or rowhouses. One-family dwellings may also be referred to as single family dwellings.

Dwelling, One-Family Detached: A building designed exclusively for occupancy by one (1) family that is entirely surrounded by open space or yards on the same lot. One-family dwellings may also be referred to as single family dwellings.

Dwelling, Two-Family: A building designed exclusively for occupancy by two (2) families, independent of each other, otherwise referred to as a duplex dwelling unit.

Dwelling Unit: A building, or a portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

Dwelling Unit, Efficiency: A unit for one (1) individual or one (1) family consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

Dwelling Unit, Modular/Panelized: A manufactured dwelling unit designed to be attached to a permanent foundation and built to uniform building code standards.

Effective Date: Whenever this chapter refers to "effective date" of this chapter, it shall be deemed to include the effective date of the amendment that created, increased or a decreased a non-conforming situation.

Entertainment Establishments: An establishment which provides for activities such as: bowling alleys, billiard and pool halls, game and video arcades, and tag games. This definition does not include those uses defined as *Adult Regulated Uses*.

Erected: Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collections, communications, supplies, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. This definition does not include "wireless communication towers" as an essential service.

Excavating: The removal of sand, stone, gravel or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest, but not including common household gardening.

Existing Building: A building existing in whole, or one whose foundations are complete and whose construction is being diligently undertaken on the effective date of this Ordinance.

Facade: The exterior wall of a building exposed to public view.

Family:

- (a) A domestic family is one (1) or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one (1) additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling; or
- (b) The functional equivalent of the domestic family is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

Fence: A manmade, unroofed structure serving to enclose or divide all or part of a lot or to function as a boundary or barrier between two (2) or more lots. For the purposes of this Ordinance a fence is considered an accessory structure and shall be constructed of materials that are all weather, zero maintenance, and/or 40 grade treated lumber.

Privacy Fence: Typically wooden or vinyl with an opacity of no less than 80%.

Non-privacy Fence: Typically vinyl, brick, stone, wrought iron, or similar replications of these materials with an opacity of up to 79%.

Fitness Center or Health Club: A facility which provides indoor exercise facilities, such as exercise machines and weight-lifting equipment, usually in a structured physical activity program supervised by professional physical fitness instructors or specialists in sports medicine. As defined herein, "personal fitness center" shall not include spectator seating for sports events. A personal fitness center may or may not be enclosed within a gym.

Filling: The depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Flood Insurance Study: The official report provided to the Village of Dundee, dated July 19, 1982, by the Federal Insurance Administration that includes flood profiles, flood boundary-floodway maps, and the water surface elevation of the base flood.

Flood Insurance Rate Map: The Flood Hazard Boundary Map for the Village of Dundee, dated July 19, 1982, as amended, as published by the Federal Emergency Management Agency.

Flood, 100-Year: A flood having an average frequency or occurrence in the order of once in one hundred (100) years, although the flood may occur in any year. Also known as a base flood.

Floodplain: The area or low lands adjoining the channel of a watercourse or a body of standing water, which has been or may be covered by floodwater.

Floodway: The channel of any watercourse and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed courtyards or patios shall not be considered as part of the gross floor area except where they are utilized for commercial purposes, such as the outdoor sale of merchandise.

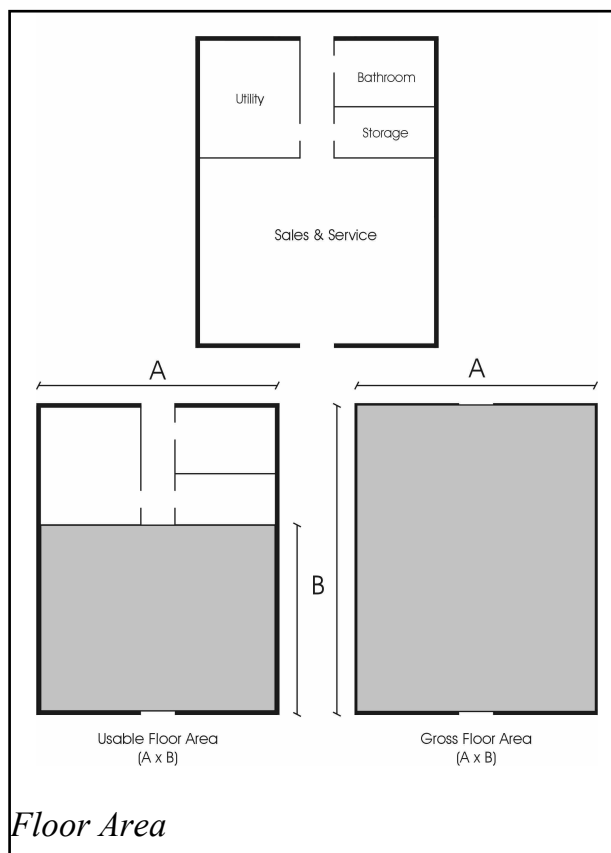
Floor Area, Useable: The area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors. Floor area used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from this computation of usable floor area. Where usable floor area is not established it shall be considered to be eighty-five (85%) of the gross floor area.

Floor Area Ratio (FAR): The ratio of the floor area of a building to the area of the lot on which the building is located. The ratio is calculated by dividing the total floor area by the total lot area, both areas being in the same unit of measure, and expressing the quotient as a decimal number.

Frontage: The linear dimension of a lot measured along the public street right-of-way line or along a private road access easement.

Funeral Home or Mortuary Establishment: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. A funeral home or mortuary establishment shall not include crematoria.

Garage, Private or Public: An accessory building or portion of a principal building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.



Garden Center or Nursery: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within six (6) feet of the foundation line of a building or structure.

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural: The elevation of the ground surface in its natural state, before construction begins.

Greenbelt: A greenbelt is the land abutting a public street, private street or access drive that shall be reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors in accordance with Article 19 Landscape Standards.

Hazardous Substances: Hazardous Chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; Hazardous Materials as defined by the U. S. Department of Transportation; Critical Materials and Polluting Materials as defined by the Michigan Department of Natural Resources; Hazardous Waste as defined by the Michigan Department of Environmental Quality; and, Hazardous Materials as defined in the Natural Resources Environmental Protection Act, Act 451 of 1994.

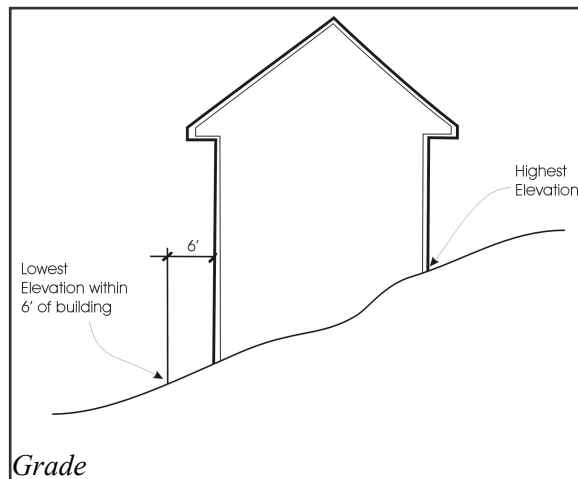
Historic Site: Areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state, and/or national significance commemorating important persons, historic events, or superlative examples of a particular style of construction or art form as listed in the National Register of Historic Sites, State of Michigan Historic Register and/or the Monroe County Museum Register of Historic Sites.

Home Occupation: An occupation that is a secondary use, which is clearly subservient or incidental to the residential use.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five sleeping rooms. This definition shall include 'extended stay' establishments.

Housing for the Elderly (Assisted Living Facility): An unlicensed multiple-family residential development for elderly persons needing little or no personal assistance, which provides independent living dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services for the elderly are provided.

In-fill Housing: The development, redevelopment or reuse of new housing on vacant sites in built-up areas.



Junkyard, Salvage Yard: An enclosed lot and any accessory buildings where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and wood. A junkyard or salvage yard also includes automobile wrecking yards and any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel: Any building or buildings and/or land used, designed, or arranged for the boarding, breeding, or care of three (3) or more dogs, cats, pets, fowl, or other domestic animals for profit, but shall not include those animals raised for agricultural purposes.

Landscaping: The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, boulders or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping:

- (a) **Caliper.** The diameter of a tree trunk measured six inches above ground level up to and including four inch caliper size and 12 inches above ground level for larger sizes.
- (b) **Diameter breast height (D.B.H.).** The diameter in inches of a tree measured in inches at four and one-half (4½) feet above the existing grade.
- (c) **Drip line.** An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.
- (d) **Grass.** Any family of plants with narrow leaves normally grown as permanent lawns in southern Michigan.
- (e) **Ground cover.** Low-growing plants, including grass that becomes dense after one (1) complete growing season and tends to prevent weeds and soil erosion.
- (f) **Shrub.** A woody plant of one (1) to thirteen (13) feet in height with several erect, spreading or prostrate stems and having a general bushy appearance.
- (g) **Tree.** A woody plant which at maturity is thirteen (13) feet or more in height with an erect perennial trunk and having a definite crown of foliage.
- (h) **Deciduous tree.** A tree that sheds its foliage at the end of the growing season.
- (i) **Evergreen tree.** A tree that has foliage that persists and remains green throughout the year.
- (j) **Ornamental tree.** A deciduous tree that is typically grown because of its shape, flowering characteristics or other attractive features and typically grows to a mature height of twenty-five (25) feet or less.
- (k) **Canopy tree.** A deciduous tree which has a height of twenty-five (25) feet or more and a trunk with at least five (5) feet of clear stem at maturity.

Lighting, Exterior: The following words, terms and phrases related to lighting, when used in this Chapter, shall have the following meanings ascribed, except where the context clearly indicates a different meaning:

- (a) **Canopy Structure:** Any overhead protective structure which is constructed in such a manner as to allow pedestrians/vehicles to pass under.
- (b) **Flood or Spot Light:** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- (c) **Glare:** Direct light emitted by a lamp, luminous tube lighting or other light source.
- (d) **Lamp:** The component of the luminaire that produces the actual light including luminous tube lighting.
- (e) **Light Fixture:** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- (f) **Light Pollution:** Artificial light which causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of adjacent properties or uses.
- (g) **Light Trespass:** The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- (h) **Luminaire:** The complete lighting system including the lamp and light fixture.
- (i) **Luminous Tube Lighting:** Gas filled tubing which, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used, e.g., neon, argon, etc.
- (j) **Outdoor Light Fixtures:** Outdoor artificial illuminating devices, outdoor fixtures, lamps and other similar devices, permanently installed or portable, used for flood lighting, general illumination or advertisement.
- (k) **Shielded Fixture:** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. shoebox-type fixtures. A luminaire mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Chapter.

Livestock: Horses, cattle, sheep, swine, and goats.

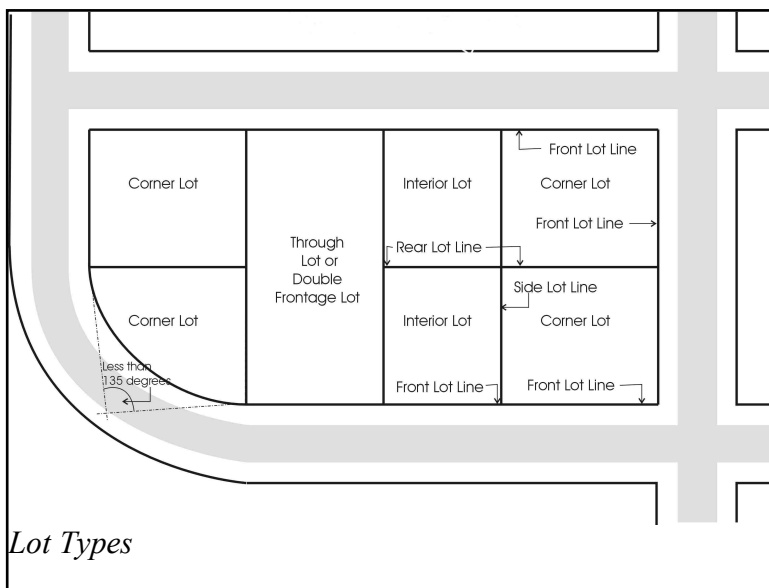
Loading/Unloading Space: An off-street space on the same or adjacent lot with a building or group of buildings for temporary parking of a commercial vehicle while loading/unloading merchandise or materials.

Lot: A parcel of land, excluding any street or other right-of-way, with at least sufficient size to meet the minimum requirements for use, coverage, and lot area, and to provide such yards under the provisions of this Chapter. A lot shall have frontage on an improved public street, or an approved private road, and may consist of either a single lot of record, a portion of a lot of record, or a parcel of land described by metes and bounds, or a lot created through site condominium approval.

Lot, Corner: A lot located at the intersection of two (2) or more streets. A lot abutting a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty-five (135) degrees.

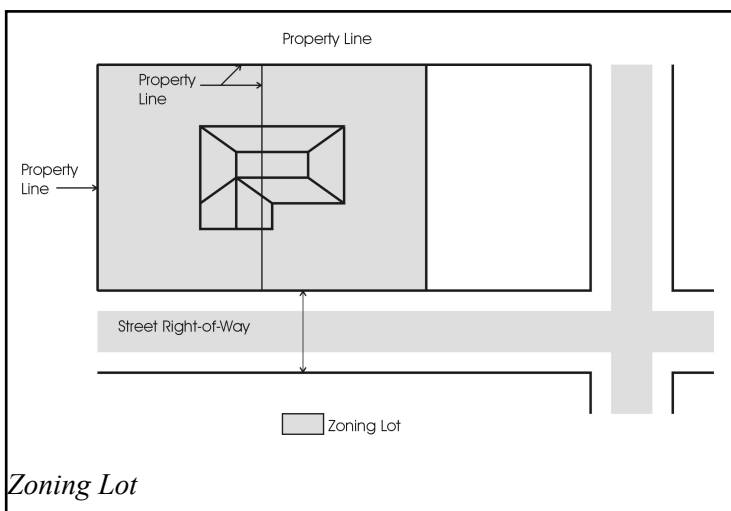
Lot, Flag: A lot with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Interior: A lot other than a corner lot, with only one (1) frontage on a street.



Lot, Through (Double Frontage): A lot other than a corner lot with frontage on more than one (1) street. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot, Zoning: A single tract of land, located within a single block, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.



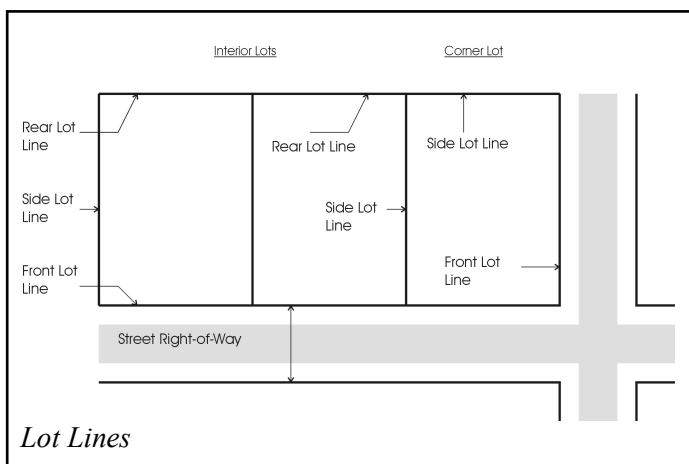
Lot Area: The total horizontal area within the lot lines of a lot. Submerged land below the ordinary high water mark of the River Raisin shall not be considered in lot area calculations. In terms of this Chapter, lot area is measured in square feet or acres.

Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth: The mean horizontal distance from the front street line to the rear lot line, or in the case of an acreage lot, from the front right-of-way line to the rear property line.

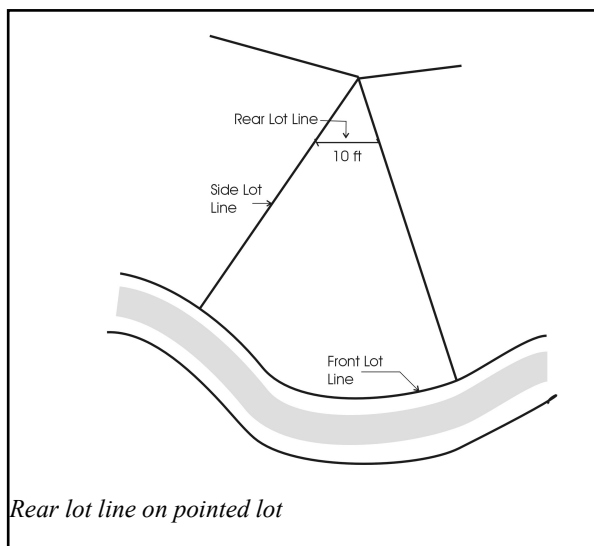
Lot Line: The lines bordering a lot, as defined herein, shall be as follows:

- (a) **Front Lot Line:** In a case of an interior lot, the front lot line is that line separating the lot from the street right-of-way. In the case of a corner lot or double frontage lot, the front lot line is that line separating the lot from either street right-of-way.



- (b) **Rear Lot Line:** That line opposite the front lot line. In a case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front line, not less than ten (10) feet long, farthest from the front lot line and located wholly within the lot. In cases where none of these definitions are applicable, the Zoning Enforcement Officer shall designate the rear lot line.

- (c) **Side Lot Line:** Any lot line other than the front lot line and rear lot line.



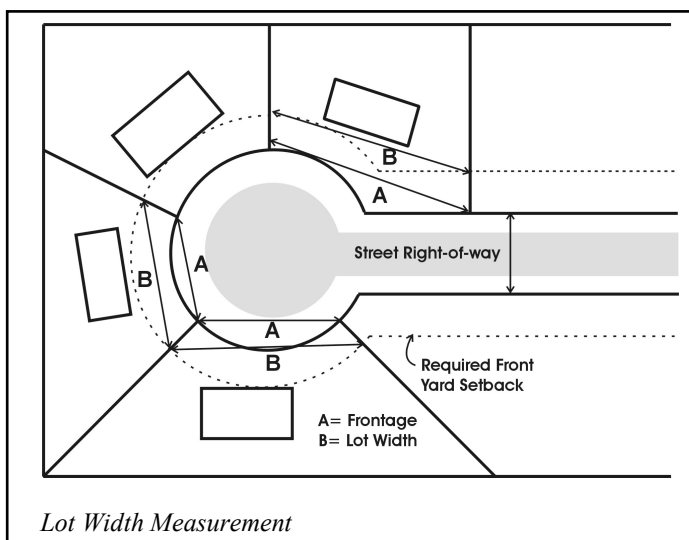
Lot of Record: A lot that is part of a platted subdivision or a site condominium shown on a map thereof which has been recorded in the office of the Register of Deeds of Monroe County or a lot described by metes and bounds, the description of which has been recorded in said office prior to the adoption of this Chapter. Along with these records shall include duly approved variances.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the required front yard setback intersects the side lot lines.

Master Plan: A comprehensive statement including written and graphic proposals for the development of the Village stating proposed policies for development and graphically presenting location and overall design of public facilities, allocation of space for public and private activities, and indicating all proposed physical development within the Village.

Manufactured Housing Commission Act: Act 96, Public Acts of 1987, as amended.

Manufactured Home: A structure transportable in one (1) or more sections and designed to be used as a one-family dwelling unit with or without permanent foundation, when connected to required utilities, and include the plumbing, heating, air conditioning and electrical systems contained in the structure.



Manufactured Housing Community: A parcel or tract of land which is under the control of one (1) person, group or firm upon which three (3) or more manufactured homes have been located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home. Manufactured housing developments are regulated by the Michigan Manufactured Housing Commission.

Motel: A group of attached, semi-attached or detached rooming units with at least eighty percent (80%) of the rooming units having individual entrances leading directly to the outside of the building, with not more than two (2) dwelling units for occupancy by management staff only with all required parking provided on the premises, and with no building or part thereof exceeding two (2) stories in building height.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended only for recreational activities and temporary occupancy as a part of such activities.

Municipal Building: Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, Village halls, and libraries.

Municipality: The Village of Dundee, Michigan.

Non-Conformities: Existing lots, buildings, structures, sites and uses of land were lawful prior to the effective date of this Chapter, but which have become non-conforming under the terms of this Chapter and its amendments.

Non-Conforming Building, or Structure: A building which lawfully occupied land at the time this Chapter or amendments thereto became effective, but that does not conform to the current minimum size, setbacks, height or other building regulations of the district in which it is located.

Non-Conforming Lot: A lot, the area, dimensions, or location of which lawfully existed at the time this Chapter, or amendments thereto became effective, but that does not conform to the lot area or other lot dimensional regulations of the district in which it is located.

Non-Conforming Site: Development improvements on a site which met this Chapter's requirements for site development at the time the site was developed, such as the amount of parking, parking lot pavement, landscaping, signs or tree preservation; but which do not meet the current site design standards of the Village.

Non-Conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

Non-Residential District: A zoning district with one (1) of the following designations on the Village of Dundee zoning map: B-1 Central Business District, B-2 General Business, B-3 Tecumseh Street Overlay, B-4 Interchange Business, OR Office Restricted, M-1 Manufacturing, and M-2 Heavy Manufacturing.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or recurrent invasion of any physical characteristics or activity or use across a property line which affects, or can be perceived by a human being. The generation of an excessive or concentrated amount of noise, dust, smoke, odor, glare, fumes, vibration, flashes, shockwaves, heat, electronic or atomic radiation, objectionable effluent; crowd noise, excessive pedestrian and vehicular traffic, unwarranted occupancy or trespass.

Nursing Home (or Convalescent): A state licensed long-term facility providing room and board and supervised personal care by facility staff on a 24 hour basis for seven or more aged, infirm or persons recovering from illness which is regulated under Act 368 of 1978. A State Licensed Sub-Acute Care Facility, State Licensed Home for the Aged, a State Licensed Nursing Home or State Licensed Hospice Facility providing 24 hour nursing care shall mean the same.

Occupied: The act of using a parcel of land or the buildings, structures, or dwellings situated thereon for any use whatsoever.

Off-Street Parking Lot: A facility providing vehicular parking that includes adequate drives and aisles for maneuvering so as to provide entrances and exits for the parking of more than two (2) automobiles.

Open Air Business Uses: Open air business uses shall include the following:

- (a) Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- (b) Retail sale of fruit and vegetables.
- (c) Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park, and/or similar recreation uses.
- (d) Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services.
- (e) Outdoor display and sale of garages, swimming pools, motor homes, modular buildings, snowmobiles, farm implements, and similar products.
- (f) Outdoor sale and storage of building materials, lumber and contractor's equipment, and similar materials.

Open Space: Any area (open to the sky) on a lot not covered by a principal or accessory building.

Outdoor Storage: All outdoor storage of building materials, sand, gravel, stone, lumber, equipment, and other supplies.

Parking Space: An area of definite length and width for the parking of one (1) vehicle only, exclusive of drives, aisles, or entrances giving access thereto, and fully accessible for the parking of a permitted vehicle.

Planned Unit Development: A development that is under unified control and is planned and developed as a whole or in a series of phases. The development plan need not comply with lot area, lot coverage, density, or setback regulations required by this Ordinance.

Planned Unit Development Agreement: An agreement, prepared by the landowner in conjunction with the village attorney and approved by the Village Council, which specifically details the development plans of a planned unit development, the covenants and restrictions proposed for a such development, the staging of such development, and the improvements to be placed in such development.

Planning Commission: The Planning Commission of the Village of Dundee as established under Act 285, Public Acts of 1931, as amended.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the wall of a building or structure and has a separate roof or integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public, gas, steam, electricity, wastewater treatment, communication, telephone, transportation, water, storm water treatment, or cable. A public utility does not include "wireless communication towers."

Recreational Equipment and Vehicles: Portable structures, machines or devices, self propelled or towable by another vehicle, capable of moving upon the highways without special movement permits; primarily designed, constructed or modified to provide temporary living quarters or for recreational camping, or travel use and such trailers and other devices as shall be primarily intended for such transporting of all such structures, machines or devices. Motorcycles, bicycles, mini-bikes and such vehicles as jeeps, four-wheel drives and pickup trucks with attached cabs which do not exceed the roofline of the vehicle are specifically excluded from this definition. This definition does not include a temporary building, structure or use, permitted to exist during periods of construction of the principal building, structure or use. Various types of recreational equipment and vehicles include:

- (a) **Travel Trailer:** A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" or a "fifth wheel" by the manufacturer. Travel trailers generally include self-contained sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.

- (b) **Pickup Camper:** A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational and vacation uses. On an industry-wide basis, this type of recreational vehicle is classified as a non-motorized recreational vehicle.
- (c) **Motor Home:** A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water and electrical facilities. On an industry-wide basis, this type of recreational vehicle is classified as either a Class A or Class B recreational vehicle. A Class A or bus type recreational vehicle has the luggage compartment below the living quarters. The Class C recreational vehicle is a van with the bed over the cab and is much larger than a passenger van due to the bed over the cab.
- (d) **Van/camper:** A recreational vehicle intended for temporary human habitation, sleeping and/or eating. This class of recreational vehicles includes conversion vans and camper vans which may contain refrigerator as well as water and electrical facilities. This class closely resembles passenger vans, but some models may be taller to allow for extra head room. On an industry-wide basis, this type of recreational vehicle is classified as a Class B recreational vehicle.
- (e) **Folding Tent Trailer:** A folding structure mounted on wheels and designed for travel and vacation use.
- (f) **Boats And Boat Trailers:** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- (g) Other recreational equipment includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recycling Facility: A facility dedicated to the collection and/or processing of recyclable materials for conversion into raw materials or new products. This definition does not include landfills, junk yards or incinerators.

Refuse: Solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

Residential District: A zoning district with one (1) of the following zoning designations on the Village of Dundee zoning map; RA-1, RA-2, RA-3, and RA-4 One-Family Residential districts, RM-1 and RM-2 Multiple-Family districts, and the MHC Manufactured Housing Community.

Restaurant: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- (a) **Restaurant, Carry-Out:** A business establishment whose method of operation involves the sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.

- (b) **Restaurant, Drive-In:** A business establishment whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.
- (c) **Restaurant, Drive-Through:** A business establishment whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- (d) **Restaurant, Fast-Food:** A business establishment whose primary method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption off the premises, but not in a motor vehicle at the site.
- (e) **Restaurant, Open Front Window:** A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure.
- (f) **Restaurant, Standard:** A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.
- (g) **Bar/Lounge/Tavern:** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages, although the sale of prepared food or snacks may also be provided. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated. The hours of operation may be later; thereby differentiating it from a standard restaurant, including a brewpub or microbrewery.

Road: See definition of Street, herein.

Room: A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, with closet space, and with or without bathroom, but without cooking facilities.

Rooming House: A building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Rowhouse: A two (2) story row of four (4) or more attached, one -family dwellings, not more than two (2) rooms deep, each unit which extends from the basement to the roof. Otherwise to herein as a one-family attached dwelling unit.

Rubbish: Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, wood, glass, bedding, crockery, demolished building materials, or litter of any kind that will be a detriment to the public health and safety.

Screen: A structure providing enclosure and/or visual barrier between the area enclosed and an adjacent property. A screen may also be a non-structure consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.

Setback: The minimum horizontal distance required by this Chapter between a building line (excluding steps or unenclosed porches) and a lot line. Setbacks from a public street shall be measured from the existing right-of-way lines.

Shopping Center: A group (more than one) of primary retail and/or service commercial establishments constructed as one (1) development.

Shoreline (Ordinary high water mark): The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil, the configuration of the soil surface and the vegetation and is established by applicable federal agencies.

Signs: A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business and which is visible from any public street, right-of-way, sidewalk, alley, park, or other public place.

Awning: A sign affixed flat against the surface of an awning or inscribed on an awning. An awning is a retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.

Billboard: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located.

Business Center: A freestanding sign that identifies and/or advertises a business center. A business center shall be considered a group of two (2) or more stores, offices, research facilities or manufacturing facilities which collectively have a name different than any individual establishment. A business center may also be considered a nonresidential platted subdivision or site condominium development, such as an industrial or office park.

Construction (Residential and Non-Residential): A sign erected on a site which advises the public of the pertinent facts regarding the construction and site improvements on that particular site.

Flags, Banners, Balloons, Pennants, Spinners, or Streamers: Considered part of a sites signage and shall include all removable fabric, cloth, paper or other non-rigid material suspended or hung from light poles, buildings or other site amenities. These signs may or may not include a business logo or symbol.

Gas Station Canopy: A corporate identification sign located at a gas station attached directly to the canopy that covers pump islands.

Government: Any sign that is required to be maintained by law or government order, rule, or regulation.

Historical: A sign identifying and/or providing information for a site, building or other features that is recognized as having historical significant by the state historical commission or local governmental body or agency.

Incidental: A small sign, emblem, or decal informing the public of goods, hours of operation, address information, safety information or warnings, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating hours of operation, memorial tablets, dates of erection, model home and sales office signage, no smoking signs, signs used to designate bathrooms, and signs providing information on business affiliations.

Individual Property Sale or Rent: A temporary sign advertising the sale, rent or lease of the property upon which it is located.

Mural: Painting or similar graphic medium on a wall not containing direct advertisement.

Monument (Ground): A sign attached to a permanent foundation of equal length to the sign structure and not attached to a building, pole, posts, or similar uprights.

Off Premises: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located.

Pole: A sign supported by one (1) or more poles, posts, braces, or pylons located in or upon the ground and not attached to a building.

Political Campaign: A sign or poster announcing candidates seeking political office and/or political issues and data pertinent thereto.

Portable: A free-standing sign not permanently anchored or secured to the ground or to a building.

Private Traffic Direction: A sign directing traffic movement onto or within a premise, located entirely thereupon, and containing no advertising message or symbol.

Public Directional: Incidental signs displayed for the direction, way finding, or convenience of the public, including signs which identify rest rooms, location of public telephones, direction of shopping and downtown areas, location of community facilities, public entrances, freight entrances, or the like.

Projecting: A sign which projects from and is supported by a building wall, any part of which extends more than fifteen (15) inches beyond the building face or ends of the building wall.

Reader Board, Message Board, or Changeable Message: The portion of a sign on which copy is changed manually or digitally.

Residential Community: A sign identifying a residential development such as subdivisions, site condominiums, condominiums, apartment complexes, senior housing, manufactured housing communities, and similar uses.

Sandwich Board: A temporary sign that has a freestanding, a-frame design intended to display information about a particular business.

Temporary Grand Opening: Sign announcing the opening of a new business.

Temporary Community Event: Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations. These are typically banner style signs that are displayed over a street or other prominent public location.

Three Dimensional Signs: A three dimensional sign, including a monument sign, in which more than one (1) face is visible from any place, or in which the least cross sectional dimension is greater than eighteen (18) inches, shall be measured from its three (3) principal elevations in computing total sign area.

Traffic Control: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.

Wall: A sign attached to, painted on, or otherwise placed upon an exterior building wall.

Warning: A Sign which provide a message of warning for situations such as 'no trespassing', a warning of an electrical current, or of animals.

Window: Signs painted on, or affixed to the glass surfaces of windows or doors, and identifying the name of or graphically depicting the type of lawful business conducted therein.

Yard: A small temporary sign, typically on a wire frame and similar to a political sign, that is intended to advertise a garage sale, yard sale, home improvement company, mortgage company, or other similar incidental elements.

Site Condominium: A development of condominium units on an unplatted tract of land, in which each individual lot conforms with the requirements of the zoning district in which it is established and is regulated under the Condominium Act, Public Act 59 of 1978.

Soil Removal: Removal of any kind of soil or earth matter, including top soil, sand, gravel, clay, or similar materials, or combination thereof, except common household gardening and general farm care.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

- (a) A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath the mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.
- (b) For the purpose of this chapter, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured and the finished surface of the floor above the basement is more than six feet above grade plane, or, if it is used for a permitted business purpose.

Story, Half: A story situated within a sloping roof, the area of which at a height of four (4) feet above the floor, does not exceed two-thirds (2/3) of the floor area in the story directly below it, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Street: A public thoroughfare, including right-of-way, which affords the principal means of access to abutting property, whether designated as a road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. Various types of roads are defined below.

- (a) **Arterial:** A street or roadway which carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, out of, or around the Dundee area. An arterial may also be defined as a major thoroughfare, major arterial or minor arterial roadway. Since the primary function of the regional arterial roadway is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- (b) **Collector Street:** A street or road whose principal function is to carry traffic between minor and local roads and arterial streets, but may also provide direct access to abutting properties.
- (c) **Cul-de-sac:** A street or road that terminates in a vehicular turnaround.
- (d) **Dead End Street:** A street that has one (1) terminus open for vehicular or pedestrian access and the other terminated on a temporary basis without a permanent vehicular turnaround.
- (e) **Local or Minor Street:** A street or road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local streets with collector or arterial roadways. Local streets are designed for low volumes and speeds, with numerous curb cuts and where on-street parking may be permitted.
- (f) **Private Road:** A roadway contained within a private street easement which is privately owned and maintained and which provides the principal means of access to one or more abutting lots.
- (g) **Public Street:** Any road or portion of a road which has been dedicated to and accepted for maintenance by the Village, Monroe County, State of Michigan or the federal government.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision Plat: The proposed division of land in accordance with the Land Division Act of 1967, Act No. 288 of Public Acts of 1967, as amended.

Swimming Pool, Children's: An inflatable or plastic sided structure intended to hold no more than 18 inches of water (22 inch side walls), with a diameter of no more than 8 feet or a total area of 60 square feet. All pools shall be located within the rear yard, and shall not be allowed to remain full or in one location for more than 7 consecutive days. No filtration systems, ladders, or slides are permitted.

Swimming Pool, Private: A water impoundment of man-made construction such as concrete or fiberglass for the purpose of total body contact, owned and operated by the landowner of the parcel on which it is situated, for use only by the residents of the parcel and their guests.

Swimming Pool, Public: An artificially contained body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing or wading, and includes any related equipment, structures, areas, and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower, and toilet rooms. Public swimming pools include but are not limited to those which are for parks, schools, motels, camps, resorts, apartment, clubs, hotels, manufactured housing communities, subdivisions, and the like.

Temporary Building or Structure: A building or structure permitted by the Zoning Enforcement Officer to exist during periods of construction or for special events in accordance with the provisions of this Chapter.

Temporary Use: A use intended to exist for a limited duration and permitted by the Board of Appeals in accordance with Article 15.

Temporary Construction Facility: A temporary building or structure to be used as a construction facility for a contractor or builder for office or storage purposes but not for residential purposes.

Time Limits: Time limits stated in this Chapter shall mean calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

Therapeutic Massage: The application of various techniques to the muscular structure and soft tissues of the human body performed by a massage practitioner. A massage practitioner must satisfy two (2) or more of the following requirements:

- (a) The person is a member of the current Professional Level in the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), International Myomassethics Federation (IMF) or other recognized massage association with equivalent professional membership standards consisting of at least five hundred (500) hours of training including: theory, practice and techniques of massage with a minimum of three hundred (300) hours; human anatomy and physiology with a minimum of one hundred (100) hours; and professionalism with a minimum of one hundred (100) hours). Instruction in this area shall include training in contraindications, benefits, ethics and legalities of massage, building and marketing a practice and other electives as appropriate.
- (b) The person is a graduate of a school of massage licensed by the State of Michigan or holder of a current license from another state which requires, at a minimum, the training set forth in (a), above.
- (c) The person has completed a massage training program at a community college, college, university or technical school located in the United States, where such program requires at a minimum, the training set forth in (a), above.
- (d) The person has passed the National Certification exam for Massage and Bodywork Practitioners

Use: The purpose for which land or premises or a building thereon is designed, arranged, or intended, or which it is occupied or maintained, let or leased.

Use, Accessory: A use which is clearly subordinate and incidental to the main use of the premises.

Use, Main: The use to which the premises is devoted and purposes for which the premises exists.

Variance, Dimensional: Permission to depart from the literal requirements relating to setbacks, building height, lot width, and/or lot area as regulated by this Chapter.

Variance, Use: Permission to establish a use of land that is otherwise not provided for in the zoning district as regulated by this Chapter.

Veterinary Clinic, Office or Hospital: A facility which provides diagnosis, treatment, surgery and other veterinary care for domestic animals, horses and livestock, where all activities are conducted within a completely enclosed building.

Village: The Village of Dundee, Michigan.

Village Council: The Village of Dundee Council.

Waste Disposal Facility: A facility for end-of-the-line storage or incineration of solid and/or liquid waste including but not limited to household garbage, yard waste and non-hazardous industrial by-products.

Wind Energy Conversion System (WECS): Any device such as a wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.

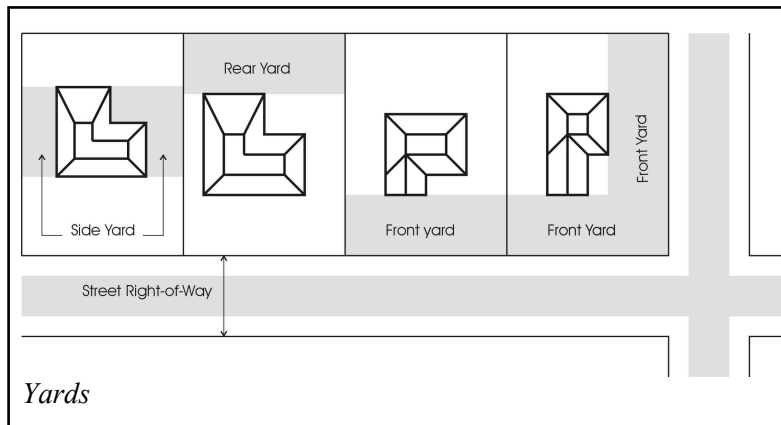
- a. **Private WECS:** Any WECS that is accessory to a principal non-farm, non-agricultural use located on the same lot, and is designed and built to serve the needs of the principal use.
- b. **Commercial WECS:** Any WECS that is designed and built to provide electricity to the electric utility's power grid as an ongoing commercial enterprise and/or profit.
- c. **Authorized Factory Representative:** An individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
- d. **Facility Abandonment:** An out of production WECS for a period of time not less than one (1) year.
- e. **Manual and Automatic Controls:** Give protection to power grids and limit rotation of WECS blades to below the designed limits of the conversion system.

Wireless Communication Towers: A structure of lattice or monopole framework to which an antenna may be attached for the transmission and /or reception of radio, television, satellite or microwave signals that facilitates wireless communications including cellular, enhanced specialized mobile radio (ESMR), personal communication or similar services.

Wireless Communication Antenna: The device for radiating or collecting electromagnetic waves in the form of radio, television, satellite, cellular, enhanced specialized mobile radio, personal communication, microwave or similar wireless transmissions, not including the tower or other support structure.

Watercourse: Any waterway or other body of water having reasonably well-defined banks including rivers, streams, creeks, and brooks, whether continually or intermittently flowing, and lakes and ponds, as shown on the Official Maps on file with the Monroe County Planning Commission.

Yard: A required open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed by a structure or portion of a structure from the ground upward, except as provided otherwise in this Chapter.



- (a) **Front Yard:** A yard extending the full width of a lot and situated between a street line and a front building line parallel to the street line. The depth of the front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines in the case of rounded property corners at street intersections. Where the radius of the curve is thirty (30) feet or less, the foremost point of the side lot line shall be assumed to be the point at which the side and front lot lines would have met without such rounding. If the radius of such curve exceeds thirty (30) feet, the yard shall be parallel to the street line. The front and rear yard lines shall be parallel.

Addressed Front Yard: Excluding corner and through lots, all front yards shall be considered the addressed (primary) front yards of the lot.

Non-Addressed Front Yard: For corner and through lots, the non-addressed front yard shall be considered the secondary front yard and regulated accordingly.

- (b) **Rear Yard:** A yard extending the full width of the lot between the interior side yard lines and situated between the rear lot line and the rear building line and parallel to the rear lot line. In the case of corner and through lots, there shall be no rear yards but only front and side yards.
- (c) **Side Yard:** A yard situated between the side building line and adjacent side lot line and situated between the rear yard and front yard. In the case of corner lots and through lots it is the yard situated between the side building line and adjacent lot line situated between the front yards.

Zoning Enforcement Officer: The Village Manager or his/her designee responsible for enforcement of this Chapter.

Zoning Act: The Michigan Zoning Enabling Act, Public Act 110 of 2006, M.C.L. 125.1301 *et seq.*